



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,757	09/15/2003	Michael S. Williams	9362-3	1920
20792 7590 03/25/2009 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER				
LIN, JAMES				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
03/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10662757	9/15/2003	WILLIAMS ET AL.	9362-3

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER

Jimmy Lin

ART UNIT	PAPER
----------	-------

1792

20090316

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply brief filed 1/27/2009 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences (BPAI) for decision on the appeal.

Appellants argue on pg. 1-2 that throughout prosecution of the present application U.S. Publication No. 2003/0104030 had been used as a suitable translation for WO 02/43799 to Igaki et al., but now a human translation is being used as the translation for WO '799. Appellants further argue that the human translation includes three additional figures (Figs. 12-14) and corresponding text which Appellants have not seen before and that the use of the new human translation prejudices the Appellants' position. However, Figs. 12-14 are included in the original WO '799 document and are not new to the prosecution. Nevertheless, it is common practice to provide a human translation for any foreign patents/documents used for the rejections when submitting an appeal case to the BPAI, and Figs. 12-14 and the corresponding text were not used as evidence to support Examiner's position. Thus, the use of the newly submitted human translation does not prejudice Appellants' position.

/Jimmy Lin/
Examiner, Art Unit 1792

/Gregory L. Mills/
Supervisory Patent Examiner, Art Unit 1700

/Timothy Meeks/
Supervisory Patent Examiner, Art Unit 1792